

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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CHARLES LANGONE, as FUND MANAGER )  
of the NEW ENGLAND TEAMSTERS AND )  
TRUCKING INDUSTRY PENSION FUND )

Plaintiff, )

v. )

ATLAS INDUSTRIAL FENCE CO. )

Defendant, )

C.A. No. 04cv10317 MEL

**DECLARATION OF DAMAGES AND TAXABLE COSTS**

Charles Langone, being first duly sworn, deposes and says:

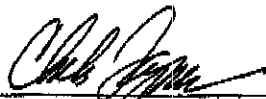
1. I am employed as the Fund Manager of the New England Teamsters and Trucking Industry Pension Fund (hereinafter the "Fund") located at 535 Boylston Street, Boston, MA 02116.

2. In accordance with 29 U.S.C. §1132(g)(2), the Defendant owes to the Fund the following:

- a. Delinquent contributions for the period of January 1, 2001 through May 31, 2003 pursuant to Audit #5122, performed on June 26, 2003, in the amount of \$3,440.25.
- b. Late Fees and underpayments in the amount of \$2,099.50.
- c. Interest which has accrued on the above sum of \$137.60, pursuant to the audit schedule and pursuant to the Fund's Agreement and Declaration of Trust.

- d Liquidated damages in an amount equal to the greater of either the amount of interest (i.e. \$137.60) or liquidated damages of twenty percent (20%) of the principal (\$1,107.95.) Consequently, Plaintiff is entitled to \$1,107.95.
- e Reasonable attorneys fees and costs in the amount of \$795.29.
3. Based on the foregoing, the Defendant owes the Fund a total of \$7,580.59.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 1st  
DAY OF APRIL 2004.

  
\_\_\_\_\_  
Charles Langone

Then personally appeared before me Charles Langone, who under oath did swear that the above affidavit is true to the best of his knowledge and belief.

  
\_\_\_\_\_  
Notary Public  
My commission expires.

Kathleen E. Geraghty  
Notary Public  
My Commission Expires  
November 14, 2008